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***A Delaware Limited Liability Partnership***  
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*Attorneys for Mark Graham, Blue Capital Management, Inc.,  
Blue Alternative Asset Management, LLC,  
Blue Elite Fund, Ltd., Blue Elite Fund, L.P., Blue II, Ltd.*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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GREAT WESTERN INSURANCE COMPANY,

Plaintiffs,

v.

MARK GRAHAM, DONALD SOLOW, BLUE  
CAPITAL MANAGEMENT, INC., BLUE  
ALTERNATIVE ASSET MANAGEMENT LLC,  
WILMINGTON SAVINGS FUND SOCIETY,  
FSB, CHRISTIANA TRUST, REGATTA  
HOLDINGS LLC, CYGNET 001 MASTER  
TRUST, CYGNET 001 MASTER TRUST SERIES  
2011-A, CYGNET 001 MASTER TRUST SERIES  
2011-C, CYGNET 001 MASTER TRUST SERIES  
2013-A, ALPHA RE LIMITED, ALPHA RE  
HOLDINGS (CAYMAN) LIMITED, ATLANTIC  
SPECIALTY FINANCE, BLUE ELITE FUND  
LTD., BLUE ELITE FUND LP, BLUE II LTD.,  
SANCUS CAPITAL BLUE CREDIT  
OPPORTUNITIES FUND LTD., ABILITY  
INSURANCE COMPANY, JOHN DRAKE,  
EDWARD BRENDAN LYNCH, AND GREGORY  
TOLARAM.

Defendants.

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CIVIL ACTION NO.  
1:18-CV-06249 (VSB)

**NOTICE OF MOTION TO DISMISS**  
**GREAT WESTERN INSURANCE**  
**COMPANY'S SECOND AMENDED**  
**COMPLAINT BY BLUE**  
**DEFENDANTS**

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PLEASE TAKE NOTICE that on a date and time set at the convenience of the Court, Defendants Mark Graham, Blue Capital Management, Inc., Blue Alternative Asset Management, LLC, Blue Elite Fund, Ltd., Blue Elite Fund, L.P., and Blue II, Ltd., by and through their attorneys Duane Morris LLP, shall move before the Honorable Vernon S. Broderick, United States District Judge for the Southern District of New York, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York, for an Order dismissing Plaintiff's Second Amended Complaint with prejudice, pursuant to Federal Rules of Civil Procedure 9(b), 12(b)(2) and 12(b)(6). In support of this motion, Defendants will rely on the accompanying memorandum of law and declaration and Mark R. Graham. Oral argument is requested.

Dated: February 5, 2019

**DUANE MORRIS LLP**  
**A DELAWARE LIMITED LIABILITY PARTNERSHIP**

/s/ Eric R. Breslin

By: Eric R. Breslin, Esq.  
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